

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**JOSEPH GERHART ET AL.**

**PLAINTIFFS**

**VS.**

**CASE NO.: 3:11-CV-00586-W-A**

**RANKIN COUNTY, MISSISSIPPI ET AL.**

**DEFENDANTS**

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**NOTICE OF APPEAL**

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Pursuant to the Federal Rules of Appellate Procedure, statutory authority, and governing case law, notice is hereby given that Defendant Johnny Barnes, in his individual capacity, appeals to the United States Court of Appeals for the Fifth Circuit from the March 31, 2017 “ORDER REGARDING VARIOUS MOTIONS FOR SUMMARY JUDGMENT” as well as any other appealable orders, decisions, or rulings affecting the rights of Barnes. The March 31, 2017 order resulted in a denial of Barnes’ entitlement to qualified immunity, and such denials are “immediately appealable under the collateral order doctrine[.]” *See, e.g., Lytle v. Bexar Cnty.*, 560 F.3d 404, 408 (5th Cir. 2009) (citation and internal quotation marks omitted). The Fifth Circuit also has pendent jurisdiction over other “closely related” issues. *See, e.g., Janvey v. Libyan Investment Authority*, 840 F.3d 248, 256 (5th Cir. 2016).

Dated: April 13, 2017.

Respectfully submitted,

**PHELPS DUNBAR, LLP**

BY: /s/G. Todd Butler

Gary E. Friedman, MB #5532  
G. Todd Butler, MB#102907  
4270 I-55 North

Jackson, Mississippi 39211-6391  
P. O. Box 16114  
Jackson, Mississippi 39236-6114  
Telephone: (601) 352-2300  
Telecopier: (601) 360-9777  
Email: [friedmag@phelps.com](mailto:friedmag@phelps.com)  
[todd.butler@phelps.com](mailto:todd.butler@phelps.com)

**ATTORNEYS FOR BARNES**

**CERTIFICATE OF SERVICE**

I certify that I have filed this *NOTICE OF APPEAL* with the Clerk of the Court, using the CM/ECF system, which sent notification of such filing to the following counsel of record:

Charles R. McRae, Esquire  
Annette B. Mathis, Esquire  
Gale N. Walker, Esquire  
CHUCK MCRAE LAW OFFICE  
416 East Amite Street  
Jackson Mississippi 39201  
(601) 944-1008  
chuck@mcraelaw.net  
annette@mcraelaw.net  
gale@mcraelaw.com

***ATTORNEY FOR PLAINTIFFS***

J. Lawson Hester, Esquire  
Jason Edward Dare, Esquire  
WYATT TARRANT & COMBS  
P.O. Box 16089  
Jackson MS 39236-6089  
(601) 987-5300  
lhester@wyattfirm.com  
jdare@wyattfirm.com

***ATTORNEYS FOR DEFENDANTS RANKIN COUNTY MISSISSIPPI,  
RANKIN COUNTY SHERIFF'S DEPARTMENT, SHERIFF RONNIE  
PENNINGTON AND DEPUTY BRETT MCALPIN***

Justin L. Matheny, Esq.  
Wilson D. Minor, Esq.  
MISSISSIPPI ATTORNEY GENERAL'S OFFICE  
P.O. Box 220  
550 High Street (39201)  
Jackson MS 39205-0220  
(601) 359-6279  
wmino@ago.state.ms.us

***ATTORNEYS FOR DEFENDANT BRAD MCLENDON***

THIS, the 13<sup>th</sup> day of April 2017.

/s/ G. Todd Butler  
G. TODD BUTLER